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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,894	11/23/2001	Bahram Javidi	UCT-003	7643
23413	7590	07/26/2006	EXAMINER DINH, MINH	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			ART UNIT 2132	PAPER NUMBER

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/993,894

Applicant(s)

JAVIDI ET AL.

Examiner

Minh Dinh

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-35.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.


12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).

13. ☐ Other: _____.


KAMRIZ ZAND
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: With regard to the 112, 1st paragraph, rejections of claims 26-35 for failing to comply with the written description requirement, Applicant argues, based on the last paragraph of page 16 and the first paragraph of page 17 of the specification, that data sampling occurs during the overall decryption process (page 11, section I). First, the referenced paragraphs do not show that means for decrypting, which corresponds to the decryption system described in figure 5, performs the sampling. According to figure 5, the decryption system includes an input plane for receiving encrypted data, a first Fourier transform lens (not labeled), a plane P7 where a phase key is utilized to decrypt a Fourier transform of the encrypted data, a second Fourier transform lens L4, and an output plane for outputting decrypted data. Figure 5 does not show that the decryption system comprises any component for performing the sampling. Second, claim 1 recites the limitation "receiving the transmitted encrypted data and converting the received encrypted data to the spatial domain using threshold sampling to avoid overlap between adjacent data in the transmitted encrypted data; and decrypting the converted received encrypted data to recover said information". According to claim 1, data sampling to avoid overlap between adjacent data is part of the process of converting data from temporal domain to spatial domain rather than the process of decrypting data. The original filed specification does not disclose two different embodiments supporting both claims 1 and 26.

With regard to the 103 rejections, Applicant argues that Marom does not need to use threshold sampling at a decryption system at the receiving end because in Marom the data is already recovered (page 12, 2nd paragraph). Spatial data sent by spatial-temporal converters broadens because the point spread function of the system is dependent on the input pulse width, therefore, data sampling to avoid overlap between adjacent data is necessary regardless whether the spatial data is encrypted or not. Applicant argues that it is not obvious to modify Javidi to use threshold sampling to recover lost of encrypted data (page 12, 4th paragraph). There is a distinction between data sampling to avoid overlap between adjacent data and data sampling to recover lost data due to double-phase encryption method, and the latter sampling is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations in the specification are not read into the claims.


KAMBIZ ZAND
PRIMARY EXAMINER